

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

No. CR 11-0154 MMC

12 Plaintiff,

**ORDER AFFORDING DEFENDANT
LEAVE TO FILE REPLY TO
GOVERNMENT'S RESPONSE TO
MOTION TO VACATE JUDGMENT**

13 v.

14 EDUARDO PACHECO,

15 Defendant
_____ /

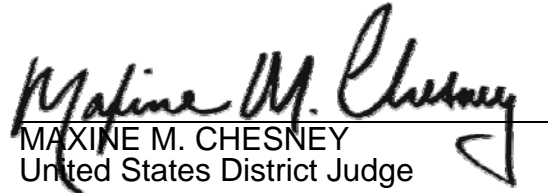
16
17 By order filed September 5, 2012, the Court set a briefing schedule on defendant
18 Eduardo Pacheco's ("Pacheco") "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or
19 Correct Sentence by a Person in Federal Custody." Specifically, the Court directed the
20 government to file its response no later than October 5, 2012 and Pacheco to file any reply
21 no later than November 2, 2012.

22 On October 5, 2012, the government filed a timely opposition to the motion, arguing
23 therein that Pacheco had failed to show he was entitled to any relief. Thereafter, on
24 November 2, 2012, the deadline for Pacheco to file a reply, Pacheco filed an "amended"
25 motion. The "amended" motion appears to be, in all material respects, identical to his
26 motion as initially filed, and Pacheco fails to state the purpose of said filing, nor is any such
27 purpose apparent. More importantly, the "amended" motion does not address any of the
28 arguments made by the government in its response.

1 Should Pacheco wish to reply to the arguments made by the government, Pacheco
2 is hereby afforded leave to file a reply, no later than February 1, 2013. As of February 1,
3 2013, the Court will take the matter under submission.

4 **IT IS SO ORDERED.**

5
6 Dated: January 14, 2013


MAXINE M. CHESNEY
United States District Judge